

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

AMERICAN COUNCIL OF THE BLIND OF  
INDIANA, INDIANA PROTECTION AND  
ADVOCACY SERVICES COMMISSION,  
KRISTIN FLESCHNER, RITA KERSH, and  
WANDA TACKETT,

Plaintiffs,

v.

Case No. 1:20-cv-3118-JMS-MJD

INDIANA ELECTION COMMISSION; THE  
INDIVIDUAL MEMBERS of the INDIANA  
ELECTION COMMISSION, in their official  
capacities; INDIANA SECRETARY OF STATE,  
in her official capacity, THE INDIANA  
ELECTION DIVISION; and THE CO-  
DIRECTORS OF THE INDIANA ELECTION  
DIVISION, in their official capacities.

Defendants.

**PLAINTIFFS' MOTION TO WITHDRAW MOTION TO COMPEL, VACATE  
HEARING, AND CONDUCT LATE DEPOSITION**

Plaintiffs, by counsel, respectfully move to withdraw their Motion to Compel, to vacate the hearing scheduled for April 6, 2022, and to conduct a deposition after the discovery deadline.

In support, Plaintiffs would show:

1. Plaintiffs filed a motion on March 25, 2022, for an order compelling non-party Civix to respond to a subpoena and request for production of documents, and to respond to a subpoena and produce a witness for a deposition. (Doc. #107).

2. On March 28, 2022, the Court issued an order directing Civix and Plaintiffs to finish briefing the motion to compel and setting a telephonic hearing on the motion on April 6, 2022, at 12:00 p.m. (Doc. #109).
3. After the Court issued its order, Plaintiffs and Civix further conferred concerning the motion and subpoenas, and have reached a tentative resolution on the outstanding issues. Specifically, Civix has agreed to produce the requested documents by April 12, 2022, and has agreed to produce a witness for a deposition to be completed on or before April 28, 2022.
4. Because Plaintiffs and Civix have reached a tentative agreement with respect to these matters, Plaintiffs do not currently require the Court to order Civix to comply, and wish to have the Court vacate the briefing schedule and hearing.
5. However, based on the above proposed resolution, the deposition of Civix cannot be completed before the April 8, 2022, deadline to conduct non-expert discovery and discovery related to liability. (Doc. #70).
6. Therefore, Plaintiffs respectfully request leave to complete the 30(b)(6) deposition of Civix after the April 8, 2022, discovery deadline, on or before April 28, 2022.
7. Counsel for Defendants has previously indicated that Defendants have no objection to completing the deposition of Civix after the April 8, 2022, discovery deadline.
8. Granting this motion will not affect currently scheduled deadlines, including the May 4, 2022, deadline for Plaintiffs to file their motion for summary judgment.

WHEREFORE, Plaintiffs, by counsel, respectfully move the Court to (1) withdraw their Motion to Compel (Doc. #107); (2) to vacate the hearing scheduled for April 6, 2022, at 12:00 pm (Doc. #109); and (3) for leave to conduct the deposition of Civix on or before April 28, 2022.

Dated: April 1, 2022.

Respectfully submitted,

s/ Samuel M. Adams

Samuel M. Adams (No. 28437-49)  
Thomas E. Crishon (No. 28513-49)  
INDIANA DISABILITY RIGHTS  
4755 Kingsway Drive, Suite 100  
Indianapolis, Indiana 46205  
Tel: (317) 722-5555  
Fax: (317) 722-5564  
tcrishon@indianadisabilityrights.org  
samadams@indianadisabilityrights.org

Stuart Seaborn\*  
Rosa Lee Bichell\*  
DISABILITY RIGHTS ADVOCATES  
2001 Center Street, 4th Floor  
Berkeley, CA 94704  
Tel: (510) 665-8644  
Fax: (510) 665-8511  
sseaborn@dralegal.org  
rbichell@dralegal.org

Christina Brandt-Young\*  
DISABILITY RIGHTS ADVOCATES  
655 Third Avenue, 14th Floor  
New York, NY 10017  
Tel: (212) 644-8644  
Fax: (212) 644-8636  
cbrandt-young@dralegal.org

Jelena Kolic\*  
DISABILITY RIGHTS ADVOCATES  
10 South LaSalle Street, 18th Floor  
Chicago, IL 60613  
jkolic@dralegal.org

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 1, 2022, the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF System for all parties, and otherwise and notice was provided via e-mail to:

Jefferson S. Garn  
Deputy Attorney General  
Courtney Abshire  
Caryn Szyper  
OFFICE OF THE INDIANA ATTORNEY GENERAL  
Indiana Government Center South Fifth Floor  
302 W. Washington Street  
Indianapolis, IN 46204-2770  
[jefferson.garn@atg.in.gov](mailto:jefferson.garn@atg.in.gov)  
[courtney.abshire@atg.in.gov](mailto:courtney.abshire@atg.in.gov)  
[Caryn.Szyper@atg.in.gov](mailto:Caryn.Szyper@atg.in.gov)

Attorneys for Defendants

I HEREBY CERTIFY that on April 1, 2022, the foregoing was sent to the following by electronic mail:

CIVIX  
c/o Brittany Leonard  
[bleonard@gocivix.com](mailto:bleonard@gocivix.com)  
c/o Jayna Cacippo  
[JCacioppo@taftlaw.com](mailto:JCacioppo@taftlaw.com)

/s/ Samuel M. Adams  
Samuel M. Adams (No. 28437-49)  
Thomas E. Crishon (No. 28513-49)  
INDIANA DISABILITY RIGHTS  
4755 Kingsway Drive, Suite 100

Indianapolis, Indiana 46205  
Tel: (317) 722-5555  
Fax: (317) 722-5564  
[samadams@indianadisabilityrights.org](mailto:samadams@indianadisabilityrights.org)  
[terishon@indianadisabilityrights.org](mailto:terishon@indianadisabilityrights.org)

Stuart Seaborn\*  
sseaborn@dralegal.org  
Rosa Lee Bichell\*  
rbichell@dralegal.org  
DISABILITY RIGHTS ADVOCATES  
2001 Center St #4  
Berkeley, CA 94704  
Phone: (510) 665-8644  
Fax: (510) 665-8511

Christina Brandt-Young\*  
cbrandt-young@dralegal.org  
DISABILITY RIGHTS ADVOCATES  
655 Third Avenue, 14th Floor  
New York, NY 10017  
Tel: (212) 644-8644  
Fax: (212) 644-8636

Jelena Kolic\*  
DISABILITY RIGHTS ADVOCATES  
10 South LaSalle Street, 18th Floor  
Chicago, IL 60613  
[jkolic@dralegal.org](mailto:jkolic@dralegal.org)

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 18, 2022, the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF System for all parties, and otherwise and notice was provided via e-mail to:

Jefferson S. Garn  
Deputy Attorney General  
OFFICE OF THE INDIANA ATTORNEY GENERAL  
Indiana Government Center South  
Fifth Floor  
302 W. Washington Street  
Indianapolis, IN 46204-2770  
jefferson.garn@atg.in.gov  
Attorneys for Defendant

s/ Samuel M. Adams